

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON**

|                                   |   |                                     |
|-----------------------------------|---|-------------------------------------|
| DAMEAN LEE HOOPER,                | : |                                     |
| Petitioner,                       | : | Case No. 3:04cv00405                |
| vs.                               | : | District Judge Walter Herbert Rice  |
|                                   | : | Magistrate Judge Sharon L. Ovington |
| ANTHONY J. BRIGANO, Warden,       | : |                                     |
| Lebanon Correctional Institution, | : |                                     |
| Respondent.                       | : |                                     |

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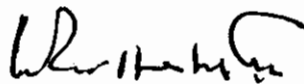
**DECISION AND ENTRY ADOPTING REPORT AND RECOMMENDATIONS FILED ON AUGUST 10, 2005 (Doc. #11); GRANTING RESPONDENT'S MOTION TO DISMISS (Doc. #7); DENYING AND DISMISSING DAMEAN LEE HOOPER'S PETITION FOR A WRIT OF HABEAS CORPUS; DENYING A CERTIFICATE OF APPEALABILITY UNDER 28 U.S.C. §2253(c); AND TERMINATING THE CASE ON THE DOCKET OF THIS COURT**

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The Court has conducted a de novo review of the Report and Recommendations of United States Magistrate Judge Sharon L. Ovington (Doc. #11), to whom this case was originally referred pursuant to 28 U.S.C. §636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) has expired, hereby **ADOPTS** said Report and Recommendations. It is therefore **ORDERED** that:

1. The Report and Recommendations filed on August 10, 2005 (Doc. #11) is **ADOPTED** in full;
2. Respondent's Motion to Dismiss (Doc. #7) is **GRANTED**;
3. Damean Lee Hooper's Petition for a Writ of Habeas Corpus is **DENIED** and **DISMISSED**;

4. A certificate of appealability under 28 U.S.C. §2253(c) shall not issue; and
5. The case is terminated on the docket of this Court.

A handwritten signature in black ink, appearing to read 'Walter Herbert Rice', is positioned above a horizontal line.

Walter Herbert Rice  
United States District Judge